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ABSTRACT

In 1979, the National Childminding Association published a report on the operation of the Nurseries and Childminders Regulation Act of 1948. That report revealed several unsatisfactory aspects of the 1948 legislation and made several recommendations. In the years since 1979, no changes have been made in legislation or in government guidelines. However, local authorities have changed their attitudes and revised their interpretations of the legislation. The present report is intended to extend such changes and to lead to a unified approach to standards, registration, and support related to childminding in the United Kingdom. Recommended standards concern client, staff, environmental, and program characteristics; administrative procedures; cooperation with local authorities; feeding; diet; health; safety; record keeping; and multicultural minding. Suggestions are made for the procedure of registering childminders and a checklist for registration visits is provided. Also outlined are the elements of a comprehensive support system for childminders. It is pointed out that all of the suggestions made could be incorporated into existing legislation or into guidelines issued by the government and that change is urgently needed due to recent demographic changes and the increasing use of childminders as a service for prevention and rehabilitation. (RH)

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The Law on Childminding

A discussion paper on good practice

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N A T I O N A L C H I L D M I N D I N G A S S O C I A T I O N

DISCUSSION PAPER

ON

GUIDELINES FOR GOOD PRACTICE IN

INTERPRETATION OF THE LAW ON

CHILDMINDING

204-206 High Street, Bromley, Kent BR1 1PP

May 1984

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Members of the Working Party

Maureen Cooper	Hon. Treasurer NCMA, ex-childminder
Ann Brayshaw	Registered Childminder
Margaret Richardson	Registered Childminder
Christine North	Registered Childminder
Sue Owen	NCMA Information Officer
Jean Booth	Senior Social Worker for Under Fives, Childminding, London Borough of Waltham Forest
Sheila Wright	Senior Social Worker for Under Fives, London Borough of Newham
Celia Smith	General Secretary, NCMA.

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INTRODUCTION

In 1979 NCMA published a report on the operation of the Nurseries & Childminders Regulation Act, 1948.* This report revealed several unsatisfactory aspects of the legislation and made several recommendations. In summary, the report concluded that the aims of any legislation concerning childminding should ensure the following:

1. That registration is recognised as some guarantee of competence to provide good overall child care.

2. That childminding should be supported.

3. That all childminding should be registered.

In the five years since 1979 there have been no changes in legislation or in Government guidelines. However, there has been a recognisable change in attitude, and in interpretation of the legislation by a number of local authorities. This report is intended to extend and facilitate these changes further and to lead to a unified approach to standards, registration and support. A number of topics not mentioned at all in the 1948 Act are included, as they are considered essential to the development of an improved childminding service. These are support, training, regular review and attention to children's overall development.

We would like to emphasise that the only long-term solution is new legislation extending the statutory responsibilities of local authorities. However, it is proposed that all the suggestions and procedures in this report could be incorporated into existing procedures without any alteration to the legislation. If revised government guidelines were to be issued, the points made in this document should be incorporated into them. It is, however, worth setting out some of the reasons why change - of some sort - is urgently needed.

* The Act does not apply to Northern Ireland.

The 1948 Act was designed to deal with a simple situation - care of children while their parents were absent at work. The situations are now - 25 years on - much more complex and variable and the changing situation should be seen against a background of increasing demand for services. There are more working women, mobility of families is on the increase (and hence extended family support decreases), more marriages end in break-up and childminders are increasingly being used both as a service for prevention and rehabilitation.

The 'fit person' clause is a negative criterion - it is almost impossible to prove 'unfitness' and hence to promote good practice and ensure minimum standards.

The 1948 Act has been described by a government official in the following terms:

> "It is a recipe for registration of unsuitable people, for low standards and for misleading parents."

If government personnel feel this way about the Act, it is surely time to implement modifications. Any further legislation should take into account the following points:

1. The wide range of facilities which now need to be registered.

2. The promotion of the well-being of children, not just their protection.

3. Promotion of good standards of child care.

4. Theneed to bring as many people as possible within the legislation.

5. The registration of 'premises' and 'persons' should not be divorced.

6. Parents should be encouraged to recognise and require high standards of child care.

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I. REQUIREMENTS FOR CHILDMINDING

A. Number of children minded

A childminder should normally be registered for a maximum of three full-time children under 5, including any under-5's of her own, with a recommendation that not more than two of the children are aged under 18 months.

However, we feel that there are certain circumstances under which this number could be increased for the ex-preienced childminder, e.g.:

(i) all the minded children are aged over 3.

(ii) some minded children are attending playgroup or nursery school.

(iii) where some or all of the children only attend on certain days.

(iv) where sibling groups need to be minded.

B. If the childminder's partner has gone through the full registration process, he/she can assume full responsibility for the minded children in the temporary absence of the registered childminder.

C. Childminders with helpers

When a registered childminder has a regular "registered helper" in attendance at all times she should be registered for not more than 6 children under the age of 5.

D. Care of older children

Childminders should not normally look after more than five children aged 5-11, including their own, before and after school and during school holidays, provided that at any one time there are not more than 6 children under 12.

E. Review of Registration

The registration should be re-appraised at the end of each 3-year period to ensure that the childminder is still able to provide the same standards of care, that the original declaration of health is still valid, and not renewed if proved unsatisfactory or if no longer actively minding. This review should also be a means of ensuring that the childminder is also receiving adequate support and advice.

F. Age of childminders

The minimum age for registration should be 21 years. No person older than 55 should be registered for the first time, and no children should be minded after the age of 65, providing there are annual reviews after age 60.

G. Health

G.1. Health checks of childminders prior to registration

(i) General practitioner's reference.

(ii) Health Visitor's reference.

(iii) A health declaration should be completed by applicant.

(iv) A shorter health declaration for other members of the household should be completed if relevant.

(v) Chest X-ray if not had one in last two years, if this is a current requirement of the registering authority and where there are no medical risks involved.

G.2. Other health matters

(i) Advice leaflets on infectious diseases and immunisation programmes should be made available to minders.

(ii) Advice on First Aid and First Aid kits should be made available to minders.

(iii) Minder's sickness: there should be discussion about arrangements to be made in the event of the minder's and children's illness.

(iv) Advice on non-accidental injury should be available to minders.

(v) Advice on parental consent in the event of medical treatment should be available to childminders.

(vi) Liaison with health visitors, so that childminders are visited by a health visitor even if they do not have under fives of their own.

(vii) Advice on clinic visits.

(viii) Immunisation state of children: parents should supply this information to the minder.

H. Experience and training

People thinking of becoming registered should be willing to attend a pre-registration course.

People proceeding with registration should have some experience of caring for children, or should be willing to undertake some training prior to registration.

I. Responsibility for children

Childminders must have no other employment, including homeworking, while actually minding children. Minders should at all times take full responsibility for the children in their care.

J. Play and stimulation

Outdoor activities

Children should have access to activities outside the minder's home: outdoor playspace and/or regular visits to communal play spaces such as playgrounds and parks and visits to playgroups and drop-in centres if available -
and children should be included in the minder's normal outdoor routine, e.g. shopping
visits
gardening
school runs.

Indoor activities

Children should, as far as is safely possible, be included in the minder's normal home routine.

There should be a safe, quiet and comfortable place set aside for naps for babies and younger children.

The minder should leave substantial slots of time free for playing with the children.

J. Play and stimulation (cont.)

Regular activities can include:

Fine motor/reasoning play: pegboards
jigsaws
matching/stacking/sorting toys
building blocks
cutting and pasting

Gross motor: harder for a minderwith no outdoor space, but some suggestions are: bikes
paddling pool
large building blocks
individual trampoline

plus facilities at drop-in centres or toy library.

Messy play: dough
sand
clay
water play
painting/crayoning

Fantasy play: dressing up clothes
cuddly toys (children should be actively encouraged to bring their own)
private space: under a table, tent or back of sofa ....
puppets

Language activities

The minder should take opportunities to talk to the children (preferably in a way which will elicit some response). Special times should be set aside for reading together and for singing/rhymes. Books to be available at all times, even to babies.

General environment

The minder should try to provide a stimulating environment for the children in her care, e.g. books and toys readily available and stored where children can reach them.

J. Play and stimulation (cont.)

Children's work displayed on walls or notice boards.

Other artwork displayed: posters, mobiles, etc.

The minder should try to draw parents into the children's activities.

K. Commitment

There should be recognition of the importance of childminding as a service for parents and children and the need to take into account the level of commitment of the applicant.

Relationship between minder and child's family

A registered childminder should be willing to make contact and build relationships with the families of minded children, in order to share information and ensure that the child can move happily between the two situations.

L. Co-operation with local authorities

We would put this broadly at three levels, depending on how far childminders are involved with the work of local authority departments.

Level of co-operation from childminders	Input from local authorities
1. Minimum contact necessary to properly fulfil the statutory requirements of registration and supervision.	Employment of workers with an appropriate background. (Case load not more than 60 childminders for one full-time equivalent, or 30 childminders where other duties are also involved.
a) Willingness to share relevant information on the home, family and attitudes to child-care.	Full information on the expectations of the local authority and any support services available.

L. Co-operation with local authorities (Cont.)

Level of co-operation from childminders	Input from local authorities
b) Keeping of appropriate records.	Availability of workers for consultation and support.
c) Access to local authority workers at all reasonable times.	Help with equipment to improve safety, mobility, play and stimulation.
d) Willingness to take advantage of training schemes.	Opportunities for training.
2. More regular contact where social services workers are involved with placement.	Availability of workers to help with placement, and try to ensure both that childminders fill vacancies and that some 'matching' takes place.
a) Keeping the workers informed when vacancies occur.	
b) Willingness to consult with the workers on placement of individual children.	
3. Much more intensive contact, in depth, where childminders offer a service for dealing with families in difficulties.	Recognition of the contribution made by the childminders to the work of the Department.
	Help in dealing with crises.
a) Recognition of the importance of family day care in helping families through difficult periods.	More continuous support.
	In sponsored schemes, income at least equivalent to minding by private arrangement.

L. Co-operation with local authorities (cont.)

Level of co-operation from childminders	Input from local authorities
b) Willingness for much more complete consultation on placement, possibly relationships with difficult parents or dealing with children showing disturbed symptoms.	Additional training where appropriate. Relevant information to help in the care of the child, bearing in mind the commitment to confidentiality.
c) Involvement with case conferences and/or other agencies when necessary.	Willingness to involve.

M. Feeding and diet

Requirement under the Law

The Nurseries and Childminder Regulation Act 1948 states under Section 2, 4e

> "that there shall be adequate arrangements for feeding the children received in the premises and that an adequate and suitable diet shall be provided for them"

Recommendations for adequate feeding and diet provision

1. The premises should contain:

   (i) provision for the storage, preparation and serving of food

   (ii) adequate cooking facilities

   (iii) provision for the washing-up and storage of cooking utensils, crockery and cutlery

(iv) if the childminder is registered for the care of children under one year old, provision for the sterilisation of bottles and feeding utensils should also be made.

2. In the preparation and serving of food the childminder should have a clear understanding of hygiene requirements to avoid health risks, e.g. she should wash her hands before preparing or handling any food and encourage children in her care to do likewise.

3. There must be provision for the child to be able to feed in comfort and safety and in a relaxed social atmosphere.

4. The childminder should have information on the nutritional value of food so that she can understand the drawing up of an adequate and varied diet for the children in her care.

5. If the childminder is registered to mind a child under one year old she should have information on the particular needs of babies especially with respect to feeding an infant who is starting mixed feeding.

6. It is advisable that meals are planned in advance so that a balanced diet is ensured.

7. Parents should be told about a child's menu on any given day.

8. Childminders should be ready to comply with special dietary needs on medical, religious or cultural grounds.

9. It should be seen as helpful for the usual eating habits of the child to be discussed with the parents.

10. It would be normal for the childminder to expect to provide one main meal a day plus a mid-morning and afternoon snack. Other meals provided should relate to the hours that the child is in the minder's care and should be arranged with the parent.

Feeding problems

These can be distressing for both the childminder and the parent. If the childminder is concerned about any aspect of feeding a child in her care she should discuss this with the child's parent.

Health visitors or Social Services support workers should also be contacted if the problem persists as they can offer support and reasssurance even if the problem turns out to be a minor one. They can also help the childminder and parent assess if further medical help should be sought.

A positive aspect of a childminder being aware of the need to maintain a good standard of feeding and dietary arrangements is that it can immediately eliminate many areas open to doubt if a child has a persistent feeding problem and may aid a quicker medical diagnosis.

N. Premises

1. Cleanliness: premises should be 'reasonably' clean and hygienic.

2. Tidiness: there should be an indication that the home is reasonably well organised, and that things can be tidied up from time to time.

3. Premises should be self-contained.

4. Pets: should be healthy, not be dangerous to young children, and hygienic arrangements should be made for their care. Outside exercise for dogs.

5. Outside play space: where possible and it should always be secure.

6. Warmth: there should be the means to warm the premises safely to a compfortable ambient temperature.

7. Light: premises should be reasonably well lit and ventilated.

8. Indoor play space: there should be adequate space for children to play; i.e., not too much clutter.

9. Toilet and washing facilities should be adequate and well maintained.

10. Planning permission for 'change of use' should not be necessary unless five or more children are to be looked after. Landlords should be informed.

11. Clarification of areas of responsibility when structural changes need to be made in connection with safety. Co-operation between local authority, housing and Social Services departments.

O. Safety precautions and standards

Fireguards - should be secured.

Stair gates fitted securely.

Medicine Cabinet with lock and key. Out of reach of children.

Medicines and Tablets locked inside medicine cabinet.

Matches, Knives and Razor Blades kept out of reach.

Oil stoves and portable gas stoves should be:

1. of British Standards Institute approved design, with safety device.

2. safely secured.

Household cleaners locked away or kept out of reach, i.e.

Bleach
Disinfecants
Aerosols, etc.

No electric appliances in the bathroom except those worked by a pull-cord switch.

Low power points should be covered.

Low windows securely bolted.

Garden equipment and insecticides should be locked away.

Saucepan handles turned away.

Flex from Electric Kettles should be short and beyond the reach of children.

Highly polished floors are dangerous.

Ornaments and valuables should be kept well out of reach.

Tablecloths should not hang down from table.

Tower block flats - doors leading to balconies securely locked.

Large areas of glass: use special film plastic to strengthen (names of suppliers available from NCMA).

Where there are double glazed sealed units without casements - alternative exits should be provided.

Ponds should be covered or fenced.

Open staircases should be made safe.

Keep a list of phone numbers by the phone or where they can be found easily, with parents' number at home or work, also Doctor's number and Social Services.

Garage doors to house kept locked.

When taking young minded children in cars they should never travel in the front seat, even when restrained or in a child's car seat. When travelling in the back of a car they should be securely harnessed or in a BS approved child's car seat.

P. Records to be kept

Requirements under the Law

The Nurseries and Childminders Regulation Act 1948 under Section 2, 4g states:

"that records shall be kept in relation to the children received at the premises containing such particulars as may be specified by the authority".

Recommendations for basic particulars to be recorded by the childminder for each child:

1. The name and address and date of birth of the child.

2. A record of infectious diseases and immunisations for the child.

3. The name and address of both parents' place of work and a telephone number in case of an emergency. In the case of a single parent family, the parent should be asked to give an alternative name, address and telephone number to be contacted if he/she is unable to be reached at any time.

4. The name and address of the child's Doctor.

5. The name and address of the child's clinic and Health Visitor.

6. A register of attendance should be kept.

7. i) A record of all accidents sustained by the child while in the care of the childminder must be kept.

   ii) A record of any First Aid treatment given by the childminder or any other person while the child is in the childminder's care should be kept.

8. A record should be kept by the childminder of the name of any person whom the parent has agreed may collect the child from his/her care and the childminder should not allow the child to be collected by anyone other than a person named by the parent in writing.

9. A contract, signed by both the childminder and the parents of the minded child, which clearly records any agreement reached between them as to the care of the child, should also be kept on the childminder's premises. A copy of the contract should also be kept by the parents.

10. i) It is suggested that a brief record as to the child's development should be kept by the childminder, and that these records should follow guidelines recommended by the registering authority.

    ii) Parents should have access to any such records kept.

So that the above record keeping could be done properly, the childminder should have information on the normal physical, mental and emotional development of children and should expect to discuss and share information on the development of any child in his/her care with the child's parent. If, for any reason, a childminder were concerned about any aspect of a child's development in her care, she should discuss this with the child's parent and also with the Health Visitor and Social Services support workers. A brief record showing the child's developmental milestones over the time it has been in the childminder's care could be most useful in such a case.

Q. Multicultural minding

i) Because of potential harm to young children's attitudes and understanding, minders should be discouraged from registration if strong and destructive racial prejudice exists in the household. It seems unlikely under present legislation that this alone would be a viable basis for refusal of registration.

ii) Even where more flexible attitudes exist, there are controversial issues in registration of applicants from non-English cultures, and multicultural minding.

These issues often relate to contradictions between the need to preserve traditional values and the need for consistent standards of child care and attitudes to discipline, play and stimulation, and language. They cannot be ignored, nor will they be resolved by subordination of either cultural values or consistent standards.

Useful first steps in dealing with these difficulties are:

1. Dissemination of information.

2. Frank discussion at local level in an atmosphere of mutual respect.

3. Provision of multi-cultural books and toys.

II. REGISTRATION PROCEDURE

The number and length of contacts, and the checklist of suggested topics to be covered, make the following assumptions:

i) That the first aim of this report, recognising registration as significant and a guarantee of competence to provide good overall child care, is incorporated into the registration process. This means forming a comprehensive picture of the applicant and her situation, and ensuring that there are adequate opportunities for discussing the full implications of different childminding situations.

   This is particularly important where applicants may take part in a sponsored scheme serving families in difficulties, although there is a general need to look hard and honestly at the pressures of caring for other people's young children.

ii) That staff will be available with a genuine interest and understanding of childminding, able to spend a reasonable amount of time on registration.

iii) That the registration process should be more than an assessment, and should lay the foundations for a supportive relationship between worker and childminder.

iv) That where information is collected which is not seen as particularly relevant to the childminding application, this should not be allowed to influence the worker's recommendation.

The following procedure, which should not take longer than six weeks, is suggested:

1. Initial enquiry by telephone, letter or visit.

2. Written material (e.g. So you want to be a childminder) sent to applicant.

3. Applicant interviewed in office and/or attendance at pre-registration group meeting.

4. Applicant seen in own home: house viewed and information given about the need for references, health declaration and offences declaration.

5. If visit satisfactory, references requested and possible X-ray arranged. (References from Health Visitor, General Practitioner, Housing Department if Council tenants, school if applicable, Safety Officer, Social Services records.)

6. Application form given to applicant: the stage at which this is given might vary, but there should be a general avoidance of premature commitment on the part of the applicant. The form is given even if registration may be refused - a safeguard to the applicant in case of subsequent appeal.

7. If possible, when form is completed, husband and rest of applicant's family seen in the home.

8. Further visit to inform applicant about the remainder of the registration procedure and to prepare for writing a report on the applicant, referring to the attached check list to ensure that all topics are covered. Also to inform applicant about the support offered by Social Services Department and other community groups.

9. Report written, passed to Senior management, as appropriate for the local authority.

10. Formal procedure for issuing the registration certificate, with authority for recommending registration delegated to the relevant officer in the Department. We do not feel it is necessary for applications to go before Social Services Committees.

Check List for Registration Visits

These are some of the possible areas of enquiry which will be helpful in forming a picture of the prospective childminder. It should be stressed that not all the information will be relevant to the childminding application.

A. The Childminder

1. Age
2. Relevant facts on family of origin.
3. Employment experience.
4. Relevant experience with young children.
5. Marital status.
6. Appearance and personality.
7. Motivation to childminding.
8. Attitudes to child care.
9. Attitudes to play.
10. Use of community resources, e.g. toy libraries, playgroups.
11. Tolerance of disturbed behaviour.
12. Attitudes to shared care with parents.
13. Attitudes to racial background.
14. Attitudes to unusual family/social situations.

B. The Childminder's Family

1. Approximate age of spouse/cohabitee.
2. Employment of spouse/cohabitee.
3. Attitude to minding of spouse/cohabitee.
4. Ages and sex of children.

5. Relevant aspects of own children's development.

6. Likely reactions of children to minding.

7. Other occupants: description, attitudes.

8. Helper's description, attitudes.

C. Physical Environment

1. Internal play space.

2. Internal safety: doors, fireguards, stairs, windows, cooking arrangements, toxic substances and medicines, dangerous objects, general layout.

3. Outside play space.

4. Outside safety: Fencing and gates, dangerous areas, drains.

(See also Section I: Requirements for childminding.)

III SUPPORT SERVICES

The Working Party takes the view that, in order to do their job to the best of their ability, childminders must be given some support - not only from Social Services Departments, but also from the Health Services, local Education Authorities and other workers and organisations concerned with the care of young children. These will vary from area to area, but might include Junior Libraries, playgroups, One O'Clock Clubs, Mother and Toddler Groups, local authority Day Nurseries and community relations groups. If childminders can be made aware of and welcomed into the facilities provided by these community groups, they will be accepted as an integral part of the day care provision for the under fives.

Support from local Social Services Departments is very variable, being exceptionally good in some areas and very poor in others. This was very clear from the questionnaire survey carried out by the NCMA in the summer of 1978. Of the 101 areas represented by the replies, 80 indicated that, as perceived by childminders, the amount of support given was very low. DHSS Circular LASSL(78)I dated 25.1.78. invited local authorities to review their support and advice services, including in-service training, for childminders. It is also emphasised that where such support can be provided for registered minders it can serve to underline the advantages of registration, and so assist authorities in introducing minimum requirements for registration, designed to effect an overall improvement in the standard and image of childminding in an area.

A comprehensive support system should include the following for all registered childminders:

i) Quick, efficient registration procedure and regular follow up visits with a recommendation that registration should normally take not longer than six weeks, and that visits should take place AT LEAST EVERY THREE MONTHS. This has important implications for staffing numbers, and it is also important that appropriate staff are employed.

ii) Toy library - this should be accessible and possibly mobile. Toy libraries have an additional important function as meeting places for minders.

iii) Equipment loan scheme for expensive items. This is rated as very important.

iv) Drop-in centres and groups - these are rated as important for social contact, and regular contact with local authority staff.

v) Training courses - these should be in response to the needs of childminders and, when possible, should have input from childminders. Particular emphasis should be placed on introductory or pre-registration courses.

vi) Social events - conferences, days out, evening parties, etc. are all considered important support items and could often involve parents of minded children too.

vii) Setting up links with other agencies and services, e.g. playgroups, nursery schools, Health Visitors, daynurseries, foster parents - also links within departments so that information can be passed to other workers.

viii) 'A family aide' who would be employed by the local authority to assist in emergency situations or helping out in otherways when needed.

ix) Matching/referral schemes with childminders notifying vacancies.

x) Availability of workers at certain times of the week.

xi) Information and advice on non-accidental injury, first aid, etc. should be included in a pack of information to be given to each minder on registration.

xii) All childminders should receive an information pack on registration and should be encouraged to join the local association, if any. (Waltham Forest pays the first year's Association membership fee.)

xiii) Information for parents should be available about the service, including fees charged, etc.

xiv) There should be sponsored schemes for parents and families with special needs.

xv) There should be advice available when there are disagreements and difficulties between parent and minder.

xvi) The childminder should be given information which is relevant to the care of the child when necessary.

xvii) Childminders should be involved in policy planning and their viewpoint taken into consideration by local authorities. One way of doing this is for childminders to be represented on local under-fives consultative and planning groups where they exist.

xviii) Parents should be as responsible as child-minders in an illegal situation.

Workers need such resources as these in order to be able to offer tangible help and support to minders and in order to ensure that people have the physical capabilities of offering good care. None of them will be any use, however, without workers. These are our most important resource. We urge workers to be able to make regular, long visits with minders as well as administering things like toy libraries and drop-ins. We recommend that workers have a good knowledge and understanding of childminding and the needs of the under-fives, and a commitment to helping minders: there is no substitute for a friendly and supportive worker who has the time and inclination to get to know minders and work with them over a long period of time and who is able to recognise the very different needs of individual minders.

A further suggestion is that there should be some commitment to a joint programme of support worked out between local authorities and local childminders' groups.

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National Childminding Association
204/206 High Street Bromley Kent BP1 1PP Tel: 01-464 6164